

# **Exhibit 58**

**From:** Rosenberg, Todd <TRosenberg@crowell.com>  
**To:** 'Sanjay Shah'; 'Raj Shah'; 'Robert Klugman'  
**CC:** 'Richard Markowitz'; Bloomberg, Noah; Brewer, Bryan  
**Sent:** 9/22/2010 4:44:25 PM  
**Subject:** Updated Draft Equity Arbitrage Transaction Agreement  
**Attachments:** 13188245-v4-Equity Arbitrage Transaction Agreement.DOC; Change-Pro Redline - 13188245-v2-Equity Arbitrage Transaction Agreement and 13188245-v4-Equity Arbitrage Transaction Agreement.doc

Sanjay/Raj/Rob,

Subject to Argre's further review and comment, attached is an updated draft of the agreement reflecting the points discussed on yesterday's call, including comments received from Rob after Sanjay/Raj had to drop off.

We have provided some revised language in an attempt to address the situation where investment in a transaction may be limited by availability of leverage or regulatory factors, though we understand based on the call that Sanjay/Raj may revert with some additional feedback in this regard. We thought that the additional clarifying language might help to resolve this point.

Please advise as to availability for a call on Monday to hopefully resolve any remaining outstanding issues.

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